

REMARKS

Claims 1, 2, 4, 6, 8, 13-14, 16, 18-21, and 48-55 are pending in the Application and are now presented for examination. Claims 1 and 13 have been amended. Claim 55 has been added. Claims 25-47 were previously withdrawn and are herein cancelled without prejudice and without disclaimer to subject matter. Claim 15 has been cancelled. Claims 1 and 55 are independent.

On page 2 of the Office Action, Claims 1, 4, 6, 8, 19-21 and 48-54 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert, US Patent No. 6,961,622 in view of North et al., US Patent No. 7,142,923. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion, motivation or rationale either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Amended Independent Claim 1 recites, in part, “wherein the apparatus outputs a plurality of electrical pulses, the plurality of electrical pulses including a first electrical pulse substantially larger than a plurality of subsequent substantially square waveform pulses.” Supporting disclosure for the claimed output can be found at least in FIGS. 25B, 26B, and 27B. The cited Gilbert reference fails to disclose or suggest such an output. The North reference also fails to disclose the claimed feature. Accordingly, Applicants respectfully request a withdrawal of the rejection.

Claims 4, 6, 8, 19-21 and 48-54 are each dependent either directly or indirectly from amended independent Claim 1, discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

On page 4 of the Office Action, Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over the references as applied to Claim 1 above, and further in view of Silverstone, US Patent No. 6,351,674. Claim 2 is believed to be allowable as it depends from amended independent Claim 1.

On page 5 of the Office Action, Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over the references as applied to Claim 1 above, and further in view of Liss et al., US Patent No. 5,851,223. Claim 13 is believed to be allowable as it depends from amended independent Claim 1.

On page 5 of the Office Action, Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over the references as applied to Claim 1 above, and further in view of Thomas, US Patent No. 5,107,835. Claim 15 has been cancelled. Claim 14 is believed to be allowable as it depends from amended independent Claim 1.

On page 6 of the Office Action, Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over the references as applied to Claim 1 above, and further in view of DiLorenzo, US Patent Application Publication No. 2003/0018367. Claim 16 is believed to be allowable as it depends from amended independent Claim 1.

On page 6 of the Office Action, Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to Claim 1 above, and further in view of Zilber, US Patent No. 3,822,708. Claim 18 is believed to be allowable as it depends from amended independent Claim 1.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1, 2, 4, 6, 8, 13-14, 16, 18-21, and 48-55 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Respectfully submitted,

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